

Alonzo Morefield, Jr.,
Plaintiff, x

vs. x

Kathy Holt,
Defendant. x

2:07-cv-080 RECEIVED

2007 SEP -7 A 9:38

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

MOTION FOR Leave To File A MOTION FOR SUMMARY JUDGMENT

PURSUANT to THIS COURT'S ORDER OF JANUARY 31, 2007, "NO MATTER FOR SUMMARY JUDGMENT ADDRESSED to the COMPLAINT be Filed by ANY PARTY WITHOUT PERMISSION OF the COURT",

Comes now PLAINTIFF in the Above styled CASE, PURSUANT to Rule 56 FED. R. CIV. P. REQUEST Leave to File A MOTION FOR SUMMARY JUDGMENT.

- 1) SINCE the Filing OF the COMPLAINT AND its ON-GOING DISCOVERY OF TANGIBLE EVIDENCE Related to this CASE, A APPROPRIATE TIME HAS come FOR PLAINTIFF to File FOR SUMMARY JUDGMENT.
- 2) There is NO dispute AS to the genuine Issue OF Any MATERIAL FACT AND THAT PLAINTIFF IS ENTITLED to Judgment AS A MATTER OF LAW.
- 3) The MATERIAL FACTS have been ESTABLISHED by PLAINTIFF AND SUBSTANTIATED by Defendant. There is NO dispute AS to the FACTS OF this CASE.

GIVEN the Aforementioned, PLAINTIFF ASK this COURT to GRANT Leave FOR PLAINTIFF to File SUMMARY JUDGMENT in this CASE.

Respectfully Submitted,
Alonzo Morefield, Jr.,
Plaintiff, pro se

by: A.M.R.

CERTIFICATE OF SERVICE

THIS will CERTIFY that Defense Counsel was served A copy of this Filing via U.S. MAIL, Postage Paid Addressed to:

ALABAMA DEPARTMENT OF CORRECTIONS
LEGAL DIVISION

ATTN: TARA S. KNEE (KNE003)

ASSISTANT ATTORNEY GENERAL

ASSISTANT GENERAL COUNSEL

301 S. Ripley Street, P.O. Box 301501

MONTGOMERY, AL. 36130

This 1st Day of September, 2007.

A.M.R.
Alonzo Morefield, Jr.
I.D. No. 429955
Georgia State Prison
300 First Ave
Reidsville, GA. 30453

ALONZO MOREFIELD, JR., RECEIVED
PLAINTIFF,

VS -

2007 AUG 16 2007-CV-080-MHT

KATHY HOLT,
Defendant.

LEORA P. HALL
U.S. DISTRICT
MIDDLE DISTRICT

MOTION FOR SUMMARY JUDGMENT

PLAINTIFF, PRO SE, COMES REQUESTING SUMMARY JUDGMENT IN
THE ABOVE STYLED CASE PURSUANT TO Rule 56 OF F. R. CIV. P.

1. A 42 U.S.C. § 1983 ACTION FILED ON OR ABOUT JANUARY 29, 2007 BY PLAINTIFF ALLEGING A VIOLATION OF HIS CONSTITUTIONAL RIGHTS. UNITED STATES MAGISTRATE JUDGE TERRY F. MOORE GRANTED PLAINTIFF LEAVE TO PROCEED IN FORMA PAUPERIS.
2. MAGISTRATE COURT ORDERED THAT DEFENDANT REVIEW THE SUBJECT MATTER OF THE COMPLAINT TO ASCERTAIN FACTS AND CIRCUMSTANCES TO BE CONSIDERED BY THE COURT.
3. PLAINTIFFS COMPLAINT AVERS THAT DEFENDANT KATHY HOLT VIOLATED PLAINTIFFS U.S. CONSTITUTIONAL RIGHTS WHEN SHE PLACED A DETAINER ON PLAINTIFF VIA HEADQUARTERS OF THE GEORGIA DEPARTMENT OF CORRECTIONS 9TH, AND 14TH AMENDMENT RIGHTS; AS THE DETAINER SERVES NO EFFECT, BUT HARM UPON PLAINTIFF IN PREVENTING HIM FROM PROGRAMING AND NEGATIVELY EFFECTING HIS SECURITY WITH THE GDC.
4. A PRELIMINARY INJUNCTION WAS REQUESTED BY PLAINTIFF. AFTER THE COURT SUBMITTED RECOMMENDATIONS, PLAINTIFF FILED HIS OBJECTION TO THE RECOMMENDATIONS ON FEBRUARY 12, 2007. ON FEBRUARY 16, 2007 UNITED STATES DISTRICT JUDGE MYRON H. THOMPSON DENIED MOTION FOR PRELIMINARY INJUNCTION.
5. ON MARCH 26, 2007, DEFENDANT FILED A "SPECIAL REPORT AND ANSWER" DENYING ALL CLAIMS LISTED IN THE COMPLAINT AND SUBMITTED AFFIDAVITS FROM KATHY HOLT.
6. ON APRIL 2, 2007, PLAINTIFF FILED A PETITION NOTIFYING THE COURT OF PRISON OFFICIALS DENIAL TO PROVIDE ACCESS TO COURT.
7. ON APRIL 9, 2007, PLAINTIFF FILED A RESPONSE TO DEFENDANTS SPECIAL REPORT AND ANSWER. PLAINTIFF RE-ADDRESSED ALL CLAIMS DEFENDANT DENIED AND RE-ASSERTED HIS POSITION ON THE ISSUES IN THE COMPLAINT, AND SUBMITTED A AFFIDAVIT.
8. ON APRIL 17, 2007 DEFENDANT FILED A "SUPPLEMENTAL SPECIAL REPORT" WITH AFFIDAVITS. IN PARAGRAPH 2, ASSISTANT ATTORNEY GENERAL TARA S. KNEE CONFIRMS THAT PLACEMENT OF THE ALABAMA DETAINER ADVERSELY IMPACTS PLAINTIFFS CLASSIFICATION AND SECURITY, HIS ABILITY TO ENGAGE IN FAVORABLE PROGRAMS AND ANY EARLY RELEASE. THIS CONFIRMS PLAINTIFFS POSITION IN THIS CASE.
9. ON MAY 3, 2007, PLAINTIFF FILED A RESPONSE AND AFFIDAVIT TO DEFENDANTS SUPPLEMENTAL REPORT.

ARGUMENT

The Question before The Court Is, IF KATHY HOLTS ACTIONS VIOLATED PLAINTIFFS U.S. CONSTITUTIONAL RIGHTS AS STATED IN THE COMPLAINT. THE DETAINER PLACED BY KATHY HOLT IS A ACTIVE DETAINER. There Are Two Types of Detainers. Defendants Position Is The Detainer Placed Was A NOTIFICATION ONLY DETAINER AND NOT A ACTIVE DETAINER. The effect of BOTH ARE IDENTICAL IN THEIR RESTRAINT AND ADVERSE effect UPON PLAINTIFFS INCARCERATION. However, PLAINTIFF does AVER in his Response to SPECIAL REPORT AFFIDAVIT to the +ve differences IN THE TWO types of detainers WHICH IS AFFIRMED by Defendants ATTACHMENTS SUBSTANTIATING PLAINTIFFS CLAIMS FOR THE COURT TO REVIEW. IT IS CLEAR THAT THE DETAINER PLACED by Defendant ADVERSELY effects PLAINTIFF. Due to PLAINTIFFS ALABAMA sentence EXPIRING PRIOR to his GEORGIA sentence, A DETAINER IS NOT needed AS PLAINTIFF IS NOT ELIGIBLE FOR PAROLE, PROBATION OR ANY FORM OF EARLY Release or Reduction of sentence Pursuant to The official Code of GEORGIA Annotated § 17-10-6.1. Defendant HAS Averred to The Montgomery County Alabama Circuit Courts Sentencing Order STATING That PLAINTIFF is to be brought BACK before The Court Prior to Release. PLAINTIFF contends That Defendants INTENTIONALLY Omitted The Second Part of The Trial Courts Order Which States, "IF PLAINTIFF IS Released, he IS Ordered to Report to The Montgomery County Alabama Probation office within 24 hours. Thus PLAINTIFFS Rights have been violated. Given Defendants Knowledge OF PLAINTIFFS Rights being violated, No Resolution has been Presented to PLAINTIFF, FORMAL or otherwise.

Resolution Requested

- PLAINTIFF ASK THIS COURT TO GRANT SUMMARY JUDGMENT FOR THE PLAINTIFF IN THIS CASE AND PRAYS The Following:
1. PERMANENT INJUNCTION INSTRUCTING ALABAMA DEPARTMENT OF CORRECTIONS TO IMMEDIATELY TERMINATE THE DETAINER.
 2. DECLARATORY ORDER FROM THIS COURT CITING EXISTING LAW AND THIS COURTS INTERPRETATION OF THAT LAW.
 3. ATTORNEY FEES IN AMOUNT OF 45.00 PER HOUR EVERY HOUR SPENT WORKING PRO SE ON THIS CASE TOTALLING 150 HOURS WORKED ON THIS CASE TOTALLING 675.00.
 4. COMPENSATORY DAMAGES IN AMOUNT OF 5,000.00
 5. PUNITIVE DAMAGES IN AMOUNT OF 15,000.00.

Discussions About The Resolution of This Case Is sought with Defendant AND Welcomed by PLAINTIFF.

Respectfully Submitted,
ALONZO MOREFIELD, JR.,
Plaintiff, Pro Se

By: A.M.R.

CERTIFICATE OF SERVICE

THIS WILL CERTIFY THAT A COPY OF THE FOREGOING WAS SERVED
ON DEFENDANT COUNSEL BY PLACING THE SAME IN U.S. MAIL
ADDRESSED TO:

ALABAMA DEPARTMENT OF CORRECTIONS
LEGAL DIVISION
ATTN: TARA S. KNEE (KNE003)
ASSISTANT ATTORNEY GENERAL
ASSISTANT GENERAL COUNSEL
301 S. RIPLEY STREET
P.O. Box 301501
MONTGOMERY, AL. 36130
452

This ~~13~~¹⁴ day of ~~August~~^{September}, 2007.

A.M.R.

ALONZO MOREFIELD, JR.
I.D. No. 499955
GEORGIA STATE PRISON
300 FIRST AVE
Reidsville, GA. 30453

09/07/2006
Arlene Moorefield, Jn 428555
284 Hwy 147
Kendville, GA, 30449

LEAD
ADSR
~~SECRET~~
DON'T TELL SOME BODY NOTHING
609141107. CHECK US SO
THANK FOR COMPLIANCE

TS: Debra Hansen, Clerk
U.S. District Court, Middle District of Alabama
Post Office Box 711
Montgomery, AL 36101-0711



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